

PATENT  
ATTORNEY DOCKET: 46884-5481

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
Mitsuaki KAGEYAMA et al. ) Confirmation No.: 7580  
Application No.: 10/580,841 ) Group Art Unit: 2886  
Filed: July 7, 2008 ) Examiner: Abdullahi Nur  
For: PHOTODETECTOR AND )  
SPECTROMETER USING THE SAME )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Window, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement ("IDS") is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

An Office Action dated June 1, 2010 that issued in a Japanese patent application and having documents cited therein is attached for the Examiner's consideration.

Except as discussed below, the cited documents are listed on the attached PTO Form 1449 and a copy of the cited non-U.S. patent document is also attached hereto.

While the Japanese Office Action dated June 1, 2010 additionally cites to Japanese

Patent Application Laid-Open No. H1-115170 and Japanese Patent Application Laid-Open No. 2002-344002, these documents are not listed on the attached PTO Form 1449 because they were previously cited in an Information Disclosure Statement in this application on May 26, 2006 or November 5, 2009.

The relevance of each of the attached foreign language document can be understood at least from the attached English-language abstract, and/or from the citations of the document in the attached Japanese Office Action dated June 1, 2010.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If it should be determined that the listed document does not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

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any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**



By:

Paul A. Fournier

Reg. No. 41,023

Dated: June 28, 2010

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